

### **REMARKS**

By this Amendment, Applicants amend the specification to correct an error, and amend claims 17 and 19 to more appropriately claim Applicants' invention. Claims 17-21, 24, 25, and 28 are pending in this application.

In the Final Office Action mailed February 26, 2004, the Examiner rejected claims 17-21, 24, 25, and 28 under 35 U.S.C. § 103(a) as unpatentable over Ishikawa et al. (U.S. Patent No. 6,317,130) in view of Rayman, UBISOFT Corporation, release 1994. In the Advisory Action mailed August 9, 2004, the Examiner maintained the rejection, and alleged "Rayman discloses a game character model having no component polygons. Ishikawa discloses [assembling] polygons to render a character." Advisory Action, page 2. Applicants respectfully traverse the rejection for at least the following reasons.

To establish a proper *prima facie* case of obviousness under 35 U.S.C. § 103(a), the Examiner must demonstrate each of three requirements. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143.03 (8<sup>th</sup> ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. See M.P.E.P. § 2143.01 (8<sup>th</sup> ed. 2001). Third, a reasonable expectation of success must exist. See M.P.E.P. § 2143.02 (8<sup>th</sup> ed. 2001). Moreover, each of these requirements must be found in the prior art, not in applicant's disclosure. See M.P.E.P. § 2143 (8<sup>th</sup> ed. 2001).

As an initial matter, and as indicated in the Request for Reconsideration filed May 24, 2004, Applicants continue to submit that Rayman is not a competent prior art reference. Rayman merely includes screenshots depicting a game character. The reference does not include any form of description that would enable one of skill in the art to determine how to design or implement a game character as shown in the screenshots. A prior art reference must be enabling just as a U.S. patent must be enabling under 35 U.S.C. § 112, first paragraph. See *Paperless Accounting, Inc. v. Bay Area Rapid Transit Sys.*, 804 F.2d 659, 665, 231 U.S.P.Q. 649, 653 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 933 (1987); *In re Moreton*, 288 F.2d 708, 711, 129 U.S.P.Q. 227, 230 (C.C.P.A. 1961). Rayman, however, does not teach one of skill in the art how the game character was created. Accordingly, Applicants submit that the rejection continues to remain improper for at least this reason.

Applicants further submit that Ishikawa and Rayman, taken alone or in combination, do not disclose or suggest a data processing apparatus for positioning a game character on a display comprising, among other things, “a motion data table for pre-storing motion data for executing a movement of the game character model, wherein motion data includes distance data and angle data defining predetermined motions of the game character model, and wherein the motion data is character data including a joint area,” as recited in claim 17.

While Ishikawa discloses using a skeletal structure to define a character's form, including polygons that are joined together to form the character, (See Ishikawa, col. 2, lines 53-58), Ishikawa does not disclose or suggest Applicants' claimed “motion data,” wherein “the motion data is character data including a joint area,” as recited in claim 17.

Nor does Rayman make up for the deficiencies of Ishikawa. In the materials enclosed with the Rayman reference, the page entitled "Moby Games" (page 7) lists the various incarnations of the Rayman character and different game releases. According to the document, the first release of the game, entitled "Rayman," occurred in 1995. However, this release, which was cited by the Examiner, provides a two-dimensional game in which a character is depicted by two-dimensional graphics. As noted above, in the Advisory Action, the Examiner admits that Rayman discloses "a game character model having no component polygons." In addition, there is no teaching or suggestion in Rayman of "a motion data table for pre-storing motion data for executing a movement of the game character model, wherein motion data includes distance data and angle data defining predetermined motions of the game character model, and wherein the motion data is character data including a joint area," as recited in claim 17. As indicated above, the Rayman document is silent as to how the character was designed or implemented, and merely shows screenshots. Accordingly, the cited prior art references of Ishikawa and Rayman, whether taken alone or in combination, do not disclose or suggest all of the features of claim 17.

Furthermore, there is no motivation or suggestion to combine Ishikawa with Rayman. Ishikawa discloses generating a skeletal structure to define a character's form using polygons to form the character. See col. 2, lines 53-58. As discussed above, however, Rayman only discloses a two-dimensional character. Accordingly, one of skill in the art would not be motivated to combine Ishikawa's three-dimensional teachings with that of the two-dimensional character found in Rayman.

For at least the above reasons, the Examiner has not demonstrated that all of the features of claim 17 are disclosed or suggested by the cited prior art. Therefore, a *prima facie* case of obviousness has not been established. Claim 19 includes recitations of a scope similar to claim 17. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. § 103(a) of independent claims 17 and 19.

Each of dependent claims 18, 20, 21, 24, 25, and 28 depend from allowable claims 17 and 19 and are at least allowable due to their dependency upon their allowable base claims. Accordingly, Applicants respectfully request the Examiner to also withdraw the rejection of dependent claims 18, 20, 21, 24, 25, and 28.

#### **CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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